

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
ORDINANCE NUMBER 1712 BY REZONING CERTAIN PROPERTY FROM
CLACKAMAS COUNTY RESIDENTIAL-TEN (R-10) TO CITY OF MILWAUKIE
RESIDENTIAL-SEVEN (R-7) ZONES (ZC-93-01).**

WHEREAS, a Zoning Map Amendment was considered at public hearings before the Planning Commission on November 9, 1993, and the City Council on January 18, 1994, and

WHEREAS, the City Council finds the application should be approved based on the findings listed below,

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS
FOLLOWS:**

Section 1. Findings. The following findings of fact and conclusions are adopted:

FINDINGS:

1. The current zoning for the subject properties is R-10.
2. The subject property is designated by the Comprehensive Plan as Low Density Residential. The R-7 and R-10 Zones implement the Low Density designation.
3. The area involved is identified on Map Exhibit "A".
4. Findings for approval as recommended by the Planning Commission include Zoning Map Amendment criteria and Comprehensive Plan conformity and are listed in Exhibit "B".

CONCLUSIONS:

1. Zoning Map Amendment criteria have been met.
2. Comprehensive Plan conformity has been shown.

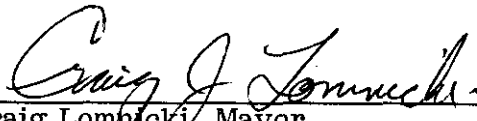
Section 2. Zoning Map Amendment. The Zoning Map of Ordinance 1710 is amended by rezoning subject property as depicted on Map Exhibit "A" from R-10 to R-7.

ORDINANCE NUMBER 1754


Read the first time on January 18, 1994, and moved to second reading by 4 - 1 vote of the City Council.

Read the second time and adopted by the City Council on February 1, 1994.

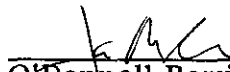
Signed by the Mayor on February 1, 1994.


Craig Lombicki, Mayor

ATTEST:


Pat Duval, City Recorder

Approved as to Form:


O'Donnell Ramis Crew & Corrigan
City Attorney

ATTACHMENT B

FINDINGS FOR APPROVAL OF ZC-93-01

FINDINGS FOR ZC-93-01

1. The Applicant is proposing a rezone from Clackamas County R-10 to City of Milwaukie R-7 in order to allow development of a 10 lot subdivision on Tax Lot 1200 of Tax Map T1S, R2E, 30DB.
2. The property consists of 2.47 acres of flat vacant ground located between SE Firwood and Willow Streets west of SE Stanley Ave.
3. Criteria for rezones are those of Sections 903.1 and 905.1 of the City Zoning Ordinance. These criteria will be addressed individually in the following findings.
4. Section 903.1A. requires the following be met:

Applicable requirements of Section 1003.

Section 1003 pertains to application submission. The Applicant has submitted, as required by Section 1003, a detailed application form and plot plan. The application form has addressed criteria and two letters of narrative have been provided. A detailed plot plan has also been provided.

5. Section 903.1B. requires the following:

Reasons for requesting the Zoning Map Amendment.

The Applicant and Owner wish to develop this site but feel it is not cost effective unless the R-7 Zone is approved. The R-7 Zone will allow 10 lots to be developed while R-10 would only allow 7 lots. In addition, the site will require street improvements on 3 of its 4 sides and both sanitary and storm sewer lines will have to be extended offsite to connect to this site. The proposed lot sizes fall within the Low Density range (0-6.7 lots per net acre) and are consistent with other residential lot sizes in the area.

6. Section 903.1C. requires the following:

Description of existing site conditions, including but not limited to, topography, public facilities and service, natural hazards, natural areas or open space, historic sites, transportation, current uses of the subject site, and current zoning of the subject site.

Existing site conditions have been discussed in the "Discussion" section of the November 9, 1993, Planning Commission staff report and in a letter from the Applicant dated October 5, 1993, on file. Utilities and street requirements are addressed in the Civil Engineer's Memo. Two wetlands surveys have also been conducted and both conclude wetlands are not located on the site.

7. Section 903.1D. requires the following:

Description of the intended use or uses.

The intended use is for 10 single family homesites meeting R-7 Zone standards.

8. Section 903.1E. requires the following:

Identification on a detailed site plan of public facilities both existing and proposed, existing and proposed structures and site development details including display of setback and other zoning standards compliance information, and an indication of mitigation or other measures proposed for purposes of health, safety, or welfare within the community.

The Applicant has provided a site plan which also serves as the preliminary plat subdivision map. A supplemental plan (on file) provides utility information. Staff has also reviewed all lots for conformity to R-7 standards and all lots do meet the basic lot configuration requirements of 60 feet minimum width, 80 feet average depth, and 7000 square feet minimum lot size. Since the Applicant and Owner will not be doing the actual home construction for the new lots, and, since the lots proposed do meet R-7 lot configuration standards, examples of structural placement have not been provided.

9. Section 903.1F. requires the criteria of Section 905 be met.
Section 905 criteria will be addressed in the following findings.

10. Section 905.1A. requires:

The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances.

The Applicant's narrative (on file) has addressed Comprehensive Plan conformity. Applicable objectives within the Residential Land Use and Housing Element have been addressed and edited by City staff as follows:

- Objective #1 - Buildable Lands: Wetlands surveys have shown the property to not include wetlands. The flat topography and availability of utilities show the site is feasible for development.

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- Objective #2 - Density: The proposed development will have a density of approximately 4 units per acre. This falls within the Low Density Residential designation for this property which allows up to 6.7 units per acre. The housing proposed for this development will be single family detached housing which is typical within the Low Density designation.
- Objective #4 - Neighborhood Conservation: The neighborhood area is transitioning into a characteristically low density residential area. The lot sizes proposed are consistent with this pattern of development.
- Objective #5 - Housing Choice: This development will allow all housing types currently permitted by the R-7 Zone. Since R-7 currently is the only City Zone that permits manufactured homes outright, increased housing type choices will potentially be available for these lots over what is now available within other residential zones in Milwaukie.

11. Section 905.1B. requires the following:

The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.

The intent of the R-7 Zone is for single family detached housing units on lots of 7000 square feet or greater in size. The proposed subdivision fully complies with R-7 lot standards and will comply with utility and street requirements. Because the site is low and flat, stormwater drainage to adjacent properties will be a concern which can be mitigated through efficient use of grading and stormwater collection mechanisms.

This area is in a transition because of its larger vacant lots and infill potential. Providing adequate access and utilities and consistent lot sizes (as are proposed) will help to establish an effective single family character to the area.

12. Section 905.1C. requires that:

The proposed amendment will meet or can be determined to reasonably meet applicable, regional, State, or federal regulations.

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All regulations known to be applicable will be complied with following established permitting processes and procedures.

13. Section 905.1D. requires:

The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

Existing area service lines will be used to service this property. City Public Works staff have verified these lines have the capacity to service this property. The Applicant and Owner will have to extend some of these service lines from offsite to the subject property. This may benefit other neighboring properties with infill potential because service line extension will not, then, be required for them. Additional service/utility discussion is included in the Civil Engineer's Memo.

14. The Applicant has submitted ZC-93-01 and S-93-02 to be processed concurrently. The Applicant is aware that the zoning map amendment follows a Major Quasi-judicial review and the subdivision proposal a Minor Quasi-judicial review. Since the subdivision plan is contingent upon the R-7 rezone, action taken by the Planning Commission on the subdivision (S-93-02) will be contingent upon final approval of the rezone (ZC-93-01) by the City Council.

CONCLUSIONS

ZC-93-01 meets applicable approval criteria for zoning map amendments according to findings above. The area in question is transitioning through R-7 zoning as a single family infill area and R-7 zoning conforms to the density provisions of the Low Density Residential designation of the City Comprehensive Plan.

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